

HB5543



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5543

Introduced 2/9/2010, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Sex Offender Registration Act. Includes, in the definition of "sex offense", distributing harmful material to a minor.

LRB096 16150 RLC 31401 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sex Offender Registration Act is amended by
5 changing Section 2 as follows:

6 (730 ILCS 150/2) (from Ch. 38, par. 222)

7 Sec. 2. Definitions.

8 (A) As used in this Article, "sex offender" means any
9 person who is:

10 (1) charged pursuant to Illinois law, or any
11 substantially similar federal, Uniform Code of Military
12 Justice, sister state, or foreign country law, with a sex
13 offense set forth in subsection (B) of this Section or the
14 attempt to commit an included sex offense, and:

15 (a) is convicted of such offense or an attempt to
16 commit such offense; or

17 (b) is found not guilty by reason of insanity of
18 such offense or an attempt to commit such offense; or

19 (c) is found not guilty by reason of insanity
20 pursuant to Section 104-25(c) of the Code of Criminal
21 Procedure of 1963 of such offense or an attempt to
22 commit such offense; or

23 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section
2 104-25(a) of the Code of Criminal Procedure of 1963 for
3 the alleged commission or attempted commission of such
4 offense; or

5 (e) is found not guilty by reason of insanity
6 following a hearing conducted pursuant to a federal,
7 Uniform Code of Military Justice, sister state, or
8 foreign country law substantially similar to Section
9 104-25(c) of the Code of Criminal Procedure of 1963 of
10 such offense or of the attempted commission of such
11 offense; or

12 (f) is the subject of a finding not resulting in an
13 acquittal at a hearing conducted pursuant to a federal,
14 Uniform Code of Military Justice, sister state, or
15 foreign country law substantially similar to Section
16 104-25(a) of the Code of Criminal Procedure of 1963 for
17 the alleged violation or attempted commission of such
18 offense; or

19 (2) certified as a sexually dangerous person pursuant
20 to the Illinois Sexually Dangerous Persons Act, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law; or

23 (3) subject to the provisions of Section 2 of the
24 Interstate Agreements on Sexually Dangerous Persons Act;
25 or

26 (4) found to be a sexually violent person pursuant to

1 the Sexually Violent Persons Commitment Act or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law; or

4 (5) adjudicated a juvenile delinquent as the result of
5 committing or attempting to commit an act which, if
6 committed by an adult, would constitute any of the offenses
7 specified in item (B), (C), or (C-5) of this Section or a
8 violation of any substantially similar federal, Uniform
9 Code of Military Justice, sister state, or foreign country
10 law, or found guilty under Article V of the Juvenile Court
11 Act of 1987 of committing or attempting to commit an act
12 which, if committed by an adult, would constitute any of
13 the offenses specified in item (B), (C), or (C-5) of this
14 Section or a violation of any substantially similar
15 federal, Uniform Code of Military Justice, sister state, or
16 foreign country law.

17 Convictions that result from or are connected with the same
18 act, or result from offenses committed at the same time, shall
19 be counted for the purpose of this Article as one conviction.
20 Any conviction set aside pursuant to law is not a conviction
21 for purposes of this Article.

22 For purposes of this Section, "convicted" shall have the
23 same meaning as "adjudicated".

24 (B) As used in this Article, "sex offense" means:

25 (1) A violation of any of the following Sections of the
26 Criminal Code of 1961:

1 11-20.1 (child pornography),
2 11-20.3 (aggravated child pornography),
3 11-6 (indecent solicitation of a child),
4 11-9.1 (sexual exploitation of a child),
5 11-9.2 (custodial sexual misconduct),
6 11-9.5 (sexual misconduct with a person with a
7 disability),
8 11-15.1 (soliciting for a juvenile prostitute),
9 11-18.1 (patronizing a juvenile prostitute),
10 11-17.1 (keeping a place of juvenile
11 prostitution),
12 11-19.1 (juvenile pimping),
13 11-19.2 (exploitation of a child),
14 11-21 (distributing harmful material to a minor),
15 11-25 (grooming),
16 11-26 (traveling to meet a minor),
17 12-13 (criminal sexual assault),
18 12-14 (aggravated criminal sexual assault),
19 12-14.1 (predatory criminal sexual assault of a
20 child),
21 12-15 (criminal sexual abuse),
22 12-16 (aggravated criminal sexual abuse),
23 12-33 (ritualized abuse of a child).

24 An attempt to commit any of these offenses.

25 (1.5) A violation of any of the following Sections of
26 the Criminal Code of 1961, when the victim is a person

1 under 18 years of age, the defendant is not a parent of the
2 victim, the offense was sexually motivated as defined in
3 Section 10 of the Sex Offender Management Board Act, and
4 the offense was committed on or after January 1, 1996:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

9 (1.6) First degree murder under Section 9-1 of the
10 Criminal Code of 1961, when the victim was a person under
11 18 years of age and the defendant was at least 17 years of
12 age at the time of the commission of the offense, provided
13 the offense was sexually motivated as defined in Section 10
14 of the Sex Offender Management Board Act.

15 (1.7) (Blank).

16 (1.8) A violation or attempted violation of Section
17 11-11 (sexual relations within families) of the Criminal
18 Code of 1961, and the offense was committed on or after
19 June 1, 1997.

20 (1.9) Child abduction under paragraph (10) of
21 subsection (b) of Section 10-5 of the Criminal Code of 1961
22 committed by luring or attempting to lure a child under the
23 age of 16 into a motor vehicle, building, house trailer, or
24 dwelling place without the consent of the parent or lawful
25 custodian of the child for other than a lawful purpose and
26 the offense was committed on or after January 1, 1998,

1 provided the offense was sexually motivated as defined in
2 Section 10 of the Sex Offender Management Board Act.

3 (1.10) A violation or attempted violation of any of the
4 following Sections of the Criminal Code of 1961 when the
5 offense was committed on or after July 1, 1999:

6 10-4 (forcible detention, if the victim is under 18
7 years of age), provided the offense was sexually
8 motivated as defined in Section 10 of the Sex Offender
9 Management Board Act,

10 11-6.5 (indecent solicitation of an adult),

11 11-15 (soliciting for a prostitute, if the victim
12 is under 18 years of age),

13 11-16 (pandering, if the victim is under 18 years
14 of age),

15 11-18 (patronizing a prostitute, if the victim is
16 under 18 years of age),

17 11-19 (pimping, if the victim is under 18 years of
18 age).

19 (1.11) A violation or attempted violation of any of the
20 following Sections of the Criminal Code of 1961 when the
21 offense was committed on or after August 22, 2002:

22 11-9 (public indecency for a third or subsequent
23 conviction).

24 (1.12) A violation or attempted violation of Section
25 5.1 of the Wrongs to Children Act (permitting sexual abuse)
26 when the offense was committed on or after August 22, 2002.

1 (2) A violation of any former law of this State
2 substantially equivalent to any offense listed in
3 subsection (B) of this Section.

4 (C) A conviction for an offense of federal law, Uniform
5 Code of Military Justice, or the law of another state or a
6 foreign country that is substantially equivalent to any offense
7 listed in subsections (B), (C), and (E) of this Section shall
8 constitute a conviction for the purpose of this Article. A
9 finding or adjudication as a sexually dangerous person or a
10 sexually violent person under any federal law, Uniform Code of
11 Military Justice, or the law of another state or foreign
12 country that is substantially equivalent to the Sexually
13 Dangerous Persons Act or the Sexually Violent Persons
14 Commitment Act shall constitute an adjudication for the
15 purposes of this Article.

16 (C-5) A person at least 17 years of age at the time of the
17 commission of the offense who is convicted of first degree
18 murder under Section 9-1 of the Criminal Code of 1961, against
19 a person under 18 years of age, shall be required to register
20 for natural life. A conviction for an offense of federal,
21 Uniform Code of Military Justice, sister state, or foreign
22 country law that is substantially equivalent to any offense
23 listed in subsection (C-5) of this Section shall constitute a
24 conviction for the purpose of this Article. This subsection
25 (C-5) applies to a person who committed the offense before June
26 1, 1996 only if the person is incarcerated in an Illinois

1 Department of Corrections facility on August 20, 2004 (the
2 effective date of Public Act 93-977).

3 (D) As used in this Article, "law enforcement agency having
4 jurisdiction" means the Chief of Police in each of the
5 municipalities in which the sex offender expects to reside,
6 work, or attend school (1) upon his or her discharge, parole or
7 release or (2) during the service of his or her sentence of
8 probation or conditional discharge, or the Sheriff of the
9 county, in the event no Police Chief exists or if the offender
10 intends to reside, work, or attend school in an unincorporated
11 area. "Law enforcement agency having jurisdiction" includes
12 the location where out-of-state students attend school and
13 where out-of-state employees are employed or are otherwise
14 required to register.

15 (D-1) As used in this Article, "supervising officer" means
16 the assigned Illinois Department of Corrections parole agent or
17 county probation officer.

18 (E) As used in this Article, "sexual predator" means any
19 person who, after July 1, 1999, is:

20 (1) Convicted for an offense of federal, Uniform Code
21 of Military Justice, sister state, or foreign country law
22 that is substantially equivalent to any offense listed in
23 subsection (E) of this Section shall constitute a
24 conviction for the purpose of this Article. Convicted of a
25 violation or attempted violation of any of the following
26 Sections of the Criminal Code of 1961, if the conviction

1 occurred after July 1, 1999:

2 11-17.1 (keeping a place of juvenile
3 prostitution),

4 11-19.1 (juvenile pimping),

5 11-19.2 (exploitation of a child),

6 11-20.1 (child pornography),

7 11-20.3 (aggravated child pornography),

8 12-13 (criminal sexual assault),

9 12-14 (aggravated criminal sexual assault),

10 12-14.1 (predatory criminal sexual assault of a
11 child),

12 12-16 (aggravated criminal sexual abuse),

13 12-33 (ritualized abuse of a child);

14 (2) (blank);

15 (3) certified as a sexually dangerous person pursuant
16 to the Sexually Dangerous Persons Act or any substantially
17 similar federal, Uniform Code of Military Justice, sister
18 state, or foreign country law;

19 (4) found to be a sexually violent person pursuant to
20 the Sexually Violent Persons Commitment Act or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law;

23 (5) convicted of a second or subsequent offense which
24 requires registration pursuant to this Act. The conviction
25 for the second or subsequent offense must have occurred
26 after July 1, 1999. For purposes of this paragraph (5),

1 "convicted" shall include a conviction under any
2 substantially similar Illinois, federal, Uniform Code of
3 Military Justice, sister state, or foreign country law; or
4 (6) convicted of a second or subsequent offense of
5 luring a minor under Section 10-5.1 of the Criminal Code of
6 1961.

7 (F) As used in this Article, "out-of-state student" means
8 any sex offender, as defined in this Section, or sexual
9 predator who is enrolled in Illinois, on a full-time or
10 part-time basis, in any public or private educational
11 institution, including, but not limited to, any secondary
12 school, trade or professional institution, or institution of
13 higher learning.

14 (G) As used in this Article, "out-of-state employee" means
15 any sex offender, as defined in this Section, or sexual
16 predator who works in Illinois, regardless of whether the
17 individual receives payment for services performed, for a
18 period of time of 10 or more days or for an aggregate period of
19 time of 30 or more days during any calendar year. Persons who
20 operate motor vehicles in the State accrue one day of
21 employment time for any portion of a day spent in Illinois.

22 (H) As used in this Article, "school" means any public or
23 private educational institution, including, but not limited
24 to, any elementary or secondary school, trade or professional
25 institution, or institution of higher education.

26 (I) As used in this Article, "fixed residence" means any

1 and all places that a sex offender resides for an aggregate
2 period of time of 5 or more days in a calendar year.

3 (J) As used in this Article, "Internet protocol address"
4 means the string of numbers by which a location on the Internet
5 is identified by routers or other computers connected to the
6 Internet.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-579, eff. 6-1-08;
8 95-625, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.
9 8-21-08; 96-301, eff. 8-11-09.)